

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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VICTOR HARARY, Plaintiff, Civil Action No.  
07 CIV 7878 (PATTERSON, J.)

-against-

## AFFIRMATION

LOLLY TOGS LTD., RICHARD SUTTON  
and ALFRED SUTTON,

Defendants.

**NOEL W. HAUSER**, an attorney at law duly admitted to practice before the Courts of the State of New York, as well as the United States District Court of the Southern District of New York:

1. I am the attorney for the plaintiff herein and I maintain my offices at 270 Madison Avenue, New York City.
2. I have knowledge of the facts and circumstances hereafter set forth and I submit this affirmation pursuant to Rule 34 and Rule 37 of the Federal Rules of Civil Procedure.
3. This is an action to recover damages for breach of contract in addition to a claim for unpaid compensation. There

are other claims as well, including a claim for the bad faith misappropriation by the defendant of valuable intellectual material which plaintiff disclosed to defendant in connection with the employment contract which was to last for a period certain of five years.

4. On or about March 4, 2008, my office served a Document Production Demand, copy annexed as Exhibit A. Despite numerous requests and despite a Court Order fixing an outside date for production of documents, defendants have produced no documents whatever, and has failed to even furnish the Initial Disclosures required by Rule 26 of the Federal Rules of Civil Procedure.

5. It is therefore respectfully requested that the Court fix an outside date for defendant to produce documents requested, or, in the alternative, for an Order striking the defendants' Answer and for the costs of the instant motion, as well.

**DATED:      New York, New York**  
**June 11, 2008**

*/s/* \_\_\_\_\_  
**Noel W. Hauser**